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UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s): David L King	Case No: 17-61780
Γhis plan, dated F e	ebruary 14, 2018 , is:	
y	the <i>second</i> Chapter 13 plan filed in this case. a modified Plan, which replaces theconfirmed orunconfirmed Plan dated .	
	Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	

The Plan provisions modified by this filing are: to provide for the POC #6 of Kelly Rentals, Inc. dba Aaron's to be paid per their proof of claim, to provide for Appomattox County Treasurer to be paid for property taxes for 991 Oakville Rd Appomattox, VA 24522, to provide for the POC #3 of Advance America, Cash Advance Centers of VA, Inc. to be paid per their proof of claim. This plan decreases the payout percentage for general unsecured creditors from 100% to 14%.

Creditors affected by this modification are: ALL

David L Kinn

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$425,524.00

Total Non-Priority Unsecured Debt: \$453,230.31

Total Priority Debt: \$273.19 Total Secured Debt: \$216,303.37

- Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$575.00 Monthly for 60 months. Other payments to 1. the Trustee are as follows: plus funds received as of February 14, 2018 in the amount of \$2,310.00 and plus a lump sum payment due upon the sale of rental properties in the amount of \$51,000.00 . The total amount to be paid into the plan is \$ 87,810.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 4,365.50 balance due of the total fee of \$ 4,365.50 concurrently with or prior to the payments to remaining creditors. Attorney fees of \$4,000.00 plus title search fee of \$365.50, none of which were paid directly by the debtor, are included in the above amount.
 - В. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor Type of Priority **Estimated Claim** Payment and Term Appomattox County Treasurer Taxes and certain other debts 273.19 **Prorata** 1 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by A. the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor Collateral Purchase Date Est Debt Bal. Replacement Value -NONE-

В. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Collateral Description Estimated Value Estimated Total Claim Creditor Clayton C Bryant Co. 17087 Richmond Hwy Pamplin, VA 65,000.00 28,000.00

> 23958 Appomattox County bought for \$65,000 10-27-15 ***- please see the additional language

in paragraph 11F

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C. **Adequate Protection Payments.**

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

		Adeq. Protection	
<u>Creditor</u>	Collateral Description	Monthly Payment	To Be Paid By
Aarons	Living room set, tv, washer, dryer,	80.00 for 9 months	trustee
Cash Advance	2006 Cadillac DTS 131,000 miles	15.00 for 9 months	trustee

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor	Collateral	Approx. Bal. of Debt or "Crammed Down" Value	Interest Rate	Monthly Paymt & Est. Term**
Aarons	Living room set, tv, washer, dryer,	4,470.70	0%	89.41
				50 months
Appomattox	991 Oakville Rd Appomattox, VA	556.07	4%	12.09
County Treasurer	24522 Appomattox County			50 months
	bought in Jan 2016 for \$120,000			
Cash Advance	2006 Cadillac DTS 131,000 miles	2,486.57	4.25%	108.26
				24 months

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. **Unsecured Claims.**

- Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution A. remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 14 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately **0** %.
- В. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Creditor Appomattox County Treasurer	Collateral 789 Double Bridges Rd Appomattox, VA 24522 Appomattox County bought 12-21-15 for \$49,000.00 1985 single wide mobile home \$5,000.00	Regular Contract <u>Payment</u> 0.00	Estimated Arrearage 0.00	Arrearage Interest Rate 0%	Estimated Cure Period 0 months	Monthly Arrearage <u>Payment</u>
Appomattox County Treasurer	3146 Redhouse Rd Appomattox, VA 24522 Appomattox County bought 9-18-15 for \$65,000	0.00	0.00	0%	0 months	
Charlotte County Treasurer	6912 Thomas Jefferson Hwy Cullen, VA 23934 Charlotte County bought in 2015 for \$50,000	0.00	0.00	0%	0 months	
Clayton C Bryant Co.	991 Oakville Rd Appomattox, VA 24522 Appomattox County bought in Jan 2016 for \$120,000	803.00	803.00	0%	1 months	Prorata
Clayton C Bryant Co.	789 Double Bridges Rd Appomattox, VA 24522 Appomattox County bought 12-21-15 for \$49,000.00 1985 single wide mobile home \$5,000.00	365.00	0.00	0%	0 months	
Clayton C Bryant Co.	6912 Thomas Jefferson Hwy Cullen, VA 23934 Charlotte County bought in 2015 for \$50,000	319.00	0.00	0%	0 months	
Clayton C Bryant Co.	1098 Pamplin Rd Pamplin, VA 23958 Prince Edward County bought 9-28-15 for \$57,000	366.00	0.00	0%	0 months	
J&R Auto Parts & Salvage	Judgement lien on property789 Double Bridges Rd Appomattox, VA 24522 to be paid upon the sale of the rental property	0.00	0.00	0%	0 months	
Prince Edward Co Treasurer	1098 Pamplin Rd Pamplin, VA 23958 Prince Edward County bought 9-28-15 for \$57,000 □	0.00	0.00	0%	0 months	

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<u>Creditor</u> Snap On Crdt	Collateral business debt personally guaranteed business tools paid by the Debtors company		Interest Estimated Arrearage Rate Cure Period Payment 0 months Monthly Arrearage Payment			
В.	Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.					
Creditor -NONE-	Collateral	Regular Contract Estimated Payment Arrearage	Interest Term for Arrearage Rate Arrearage Payment			
C.	Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:					
<u>Creditor</u> -NONE-	<u>Collateral</u>	Interest Estimated Rate Claim	Monthly Paymt& Est. Term**			
_	red Leases and Executory Contracts. The do	ebtor(s) move for assumption or rejo	ection of the executory contracts and			
A.	Executory contracts and unexpired leases	to be rejected. The debtor(s) rejec	et the following executory contracts.			
<u>Creditor</u> Charles D. Hall	Type of Contract Rental lease for 20 which debtor rejec	05 Ford F150 (co-signed for son) ts	\$15,000			
B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.						
<u>Creditor</u> BLI Rentals, LL	Type of Contract rental lease	<u>Arrearage</u> \$0.00	Monthly Payment for Arrears N/A Estimated Cure Period N/A			
7. Liens Which Debtor(s) Seek to Avoid.						
A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.						
<u>Creditor</u> -NONE-	<u>Collateral</u>	Exemption Amount	Value of Collateral			

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
 - (a). Additional Adequate Protection:

Adequate Protection also consists of the following in this case:

- _x__The Debtor's payment required by Paragraph 1 shall be made to the Trustee either by wage deduction, TFS or a direct pay order
- _x__Insurance will be maintained on all vehicles securing claims to be paid by the Trustee.
- (b). Attorneys Fees

Attorneys Fees noted in Paragraph 2A shall be approved on the confirmation date unless previously objected to. Said allowed fees shall be paid by the Trustee prior to the commencement of payments required to be made by the Trustee under Paragraphs 4, 5, 6 herein.

(c). Date Debtors to resume regular direct payments to Creditors that are being paid arrearages by the trustee under Paragraphs 5(a) and 6(b).

Creditor

Month Debtor to resume regular direct payments

F. Other:

(1). #######ATTENTION ALL SECURED CREDITORS LISTED IN PARAGRAPH 5 ######:
PLEASE TAKE NOTICE THAT THE DEBTOR INTENDS TO CONTINUE TO MAKE REGULAR PAYMENTS ON YOUR
SECURED DEBT. ACCORDINGLY, YOU, THE SECURED CREDITOR REFERENCED ABOVE IN PARAGRAPH 5, SHALL
SEND MONTHLY MORTGAGE/AUTOMOBILE STATEMENTS CONSISTENT WITH YOUR PREPETITION PRACTICE.
SENDING SUCH STATEMENTS SHALL NOT BE CONSIDERED BY THE DEBTORS TO BE A VIOLATION OF THE
AUTOMATIC STAY.

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TI W FI B	HE PROPERTY SECU FITHIN 180 DAYS OF C RST. IF A DEFICIENC	RED BY YOU CONFIRMATI Y CLAIM HA OU FILE A DI	IR LOAN IS BEING S ON OR THE ENTRY S NOT BEEN FILED EFICIENCY CLAIM, Y	RAGRAPH 3(B).************************************	WHICHEVER OCCURS DEFICIENCY CLAIM WILL
Signatures	s:				
Dated:	February 14, 2018				
/s/ David				/s/ Stephen E. Dunn	
David L K	ing			Stephen E. Dunn 2635	5
Debtor				Debtor's Attorney	

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A&A
4350 WESTOWN PKWY

WEST DES MOINES, IA 50266

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ERC/ENHANCED RECOVERY COR FOR TIME WARNER CABLE 8014 BAYBERRY RD JACKSONVILLE, FL 32256

AARONS 5515 FORT AVE LYNCHBURG, VA 24502 CHECK FIRST #205 3701 FORT AVE LYNCHBURG, VA 24501 FIFTH THIRD BANK PO BOX 630900 CINCINNATI, OH 45263

ADVANCE AUTO 5673 AIRPORT RD ROANOKE, VA 24012 CHRISTOPHER KING 991 OAKVILLE RD APPOMATTOX, VA 24522 FIRST PREMIER BANK 601 S MINNESOTA AVE SIOUX FALLS, SD 57104

AMERIMARK PO BOX 2845 MONROE, WI 53566-8045

CINTAS 704 INDUSTRIAL AVE BEDFORD, VA 24523 FOCUSED RECOVERY SOLUTION 9701-METROPOLITAN CT, SUITE B FOR RADIOLOGY CONSULTANTS LY RICHMOND, VA 23236

APPOMATTOX COUNTY TREASURER
P.O. BOX 689

P.O. BOX 689 APPOMATTOX, VA 24522 CLAYTON C BRYANT CO. 7431 RICHMOND HWY PO BOX 702 APPOMATTOX, VA 24522 FST PREMIER 601 S MINNEAPOLIS AVE SIOUX FALLS, SD 57104

BLI RENTALS, LLC PO BOX 992 EMPORIA, KS 66801 CREDITORS COLLECTION SERVICE/CCSJ&R AUTO PARTS & SALVAGE PO BOX 21504 789 HERMAN RD FOR CMG NEUROLOGY CENTER SAXE, VA 23967 ROANOKE, VA 24018

CAPITAL ONE ATTN: BANKRUPTCY PO BOX 30253 SALT LAKE CITY, UT 84130 CREDITORS COLLECTION SERVICE/CCSKENNETH WARD
PO BOX 21504 15939 RICHMOND HWY
FOR SHENTEL PAMPLIN, VA 23958
ROANOKE, VA 24018

CASH ADVANCE ADVANCE AMERICA 2100 WARDS ROAD LYNCHBURG, VA 24502 CREDITORS COLLECTION SERVICE/CCSKENNTH WARD
PO BOX 21504 C/O TOMMY LAWSON
FOR CENTRA HEALTH P.O. BOX 757
ROANOKE, VA 24018 APPOMATTOX, VA 24522

CENTRA MEDICAL GROUP ATTN: 5470C PO BOX 14000 BELFAST, ME 04915 CREDITORS COLLECTION SERVICE/CCSLVNV FUNDING
PO BOX 21504 FOR CITIBANK/SEARS
FOR CMG CENTRA PO BOX 10587
ROANOKE, VA 24018 GREENVILLE, SC 29603

CHARLES D. HALL 113 MUDDY GRAY PATCH LANE APPOMATTOX, VA 24522 DELTA RESPONSE TEAM PO BOX 863 LEWISVILLE, NC 27023 LVNV FUNDING ARROW FINANCIAL PO BOX 10587 GREENVILLE, SC 29603 Case 17-61780 Doc 35 MATCO TOOLS 4403 ALLEN ROAD STOW, OH 44224 File Pozi/14/18¹⁷⁸⁰ Entered 02/14/18 11:56:50 Desc Main ST**BRNRFGN**/CS Page 9 of 9 415 N EDGEWORTH ST STE 210 FOR SOLSTAS LAB PARTNERS GREENSBORO, NC 27401

MIDLAND FUNDING FOR CAPITAL ONE PO BOX 939069 SAN DIEGO, CA 92193 TIMES VIRGINIAN 589 COURT STREET APPOMATTOX, VA 24522

MIDLAND FUNDING FOR WEBBANK PO BOX 939069 SAN DIEGO, CA 92193 TOMMY LAWSON, ESQ. FOR KENNETH WARD 569 COURT STREET APPOMATTOX, VA 24522

NAPA AUTO PARTS 1720 N WESLEYAN BLVD. ROCKY MOUNT, NC 27804 TRAVELER'S CL REMITTANCE CENTER PO BOX 660317 DALLAS, TX 75266

NATIONAL PEN COMPANY 12121 SCRIPPS SUMMIT DR SUITE 200 SAN DIEGO, CA 92131

UPTOWN RENTALS/BLI RENTALS C/O PHILIP B. WILLETTE CO, PO BOX 26042 COLUMBUS, OH 43226

NCB MANAGEMENT SERVICES INC. PO BOX 1099 FOR PNC BANK LANGHORNE, PA 19047

US CELLULAR PO BOX 0203 PALATINE, IL 60055-0203

PRINCE EDWARD CO TREASURER PO BOX 522 FARMVILLE, VA 23901 WELLS FARGO BANK PO BOX 10438 MACF8235-02F DES MOINES, IA 50306

RECEIVABLES PERFORMANCE MGMT FOR CINCINNATI BELL PO BOX 1548 LYNNWOOD, WA 98036

SNAP ON CRDT ATTN: BANKRUPTCY 950 TECHNOLOGY WAY SUITE 301 LIBERTYVILLE, IL 60048

SOUTHSIDE ELECTRIC COOPERATIVE, INC PO BOX 7 CREWE, VA 23930-0007